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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,612	10/11/2000	Claude Vogel	102467-991131	9817

7590 02/24/2004

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 02/24/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,612

Applicant(s)

VOGEL, CLAUDE

Examiner

Matthew J. Ludwig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Application filed 10/11/00.
2. Claims 1-12 are pending in the case. Claims 1, 4, 7, 9, 11, and 12, are independent claims.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-12 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 2, and 8 of Vogel, U.S. Patent No. 6,424,982.

Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following.

In reference to Independent claim 1, 4, Vogel 982 discloses:

A buffer for reading one or more words from the text into the buffer until a break character is identified (compare to "a buffer for reading one or more words..."). See Vogel 982, claim 1.

A parser for identifying a phrase contained in the buffer (compare to "parser for identifying a phrase contained in the buffer..."). See Vogel 982, claim 1.

Determining the type of break character that follows the identified phrase (compare to means for determining the type of break character that follows the identified phrase...). See Vogel 982, claim 1.

A rules database that stores one or more rules to be applied to the piece of text to parse the piece of text into key phrases (compare to “determining the type of break character that follows the identified phrase and means for saving a key phrase from the buffer based on...”). See Vogel 982, claim 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the “*identified*” phrase found in the document parsing methods of Vogel 982, and processed the “*identified phrase*” as a key phrase for providing a proficient parsing means based on the type of break character.

In reference to dependent claim 2, 5, Vogel 982 teaches:

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to “means for flushing the buffer when the key phrase is stored in the database...”). See Vogel 982, claim 2.

In reference to dependent claim 3, 6, Vogel 982 teaches:

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to “means for flushing the buffer when the key phrase is stored in the database...”). See Vogel 982, claim 2. The reference does not explicitly disclose a retriever for retrieving all occurrences of the extracted phrases from the piece of text after the text has been parsed; however, the phrase level parsing rules that are selectively applied to the piece of text provides a reasonable suggestion of a retrieval of phrases within the text based on rules from a rules database.

In reference to independent claim 7, 9, Vogel 982 teaches:

A buffer for reading one or more words from the text into the buffer until a break character is identified (compare to “a buffer for reading one or more words...”). See Vogel 982, claim 1.

A parser for identifying a phrase contained in the buffer (compare to “parser for identifying a phrase contained in the buffer...”). See Vogel 982, claim 1.

Determining the type of break character that follows the identified phrase (compare to means for determining the type of break character that follows the identified phrase...”). See Vogel 982, claim 1.

A rules database that stores one or more rules to be applied to the piece of text to parse the piece of text into key phrases (compare to “determining the type of break character that follows the identified phrase and means for saving a key phrase from the buffer based on...”). See Vogel 982, claim 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the “*identified*” phrase found in the document parsing methods of Vogel 982, and processed the “*identified phrase*” as a key phrase for providing a proficient parsing means based on the type of break character.

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to “means for flushing the buffer when the key phrase is stored in the database...”). See Vogel 982, claim 2. The reference does not explicitly disclose a retriever for retrieving all occurrences of the extracted phrases from the piece of text after the of text has been parsed; however, the phrase level parsing rules that are selectively applied to the piece of text

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provides a reasonable suggestion of a retrieval of phrases within the text based on rules from a rules database.

In reference to dependent claim 8, 10, Vogel 982 teaches:

Flushing the buffer when the key phrase is stored in the database or the phrase in the buffer is deleted (compare to “means for flushing the buffer when the key phrase is stored in the database...”). See Vogel 982, claim 2.

In reference to independent claim 11, 12, Vogel 982 teaches:

A buffer for reading one or more words from the text into the buffer until a break character is identified (compare to “a buffer for reading one or more words...”). See Vogel 982, claim 1.

A parser for identifying a phrase contained in the buffer (compare to “parser for identifying a phrase contained in the buffer...”). See Vogel 982, claim 1.

Determining the type of break character that follows the identified phrase (compare to means for determining the type of break character that follows the identified phrase...”). See Vogel 982, claim 1.

A rules database that stores one or more rules to be applied to the piece of text to parse the piece of text into key phrases (compare to “determining the type of break character that follows the identified phrase and means for saving a key phrase from the buffer based on...”). See Vogel 982, claim 8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the “*identified*” phrase found in the document parsing methods of Vogel 982, and processed the “*identified phrase*” as a key phrase for providing a proficient parsing means based on the type of break character. The Vogel 982 reference discloses

processing of the identified phrase using different parsing rules. See Vogel 982, claim 1. This method of processing provides a reasonable suggestion of a second pass for retrieving the identified phrases based on the type of break characters.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et al., USPN 5,819,260 filed (1/22/06).**

In reference to independent claim 1, 4, Lu teaches:

A method, given a piece of text, partitions the text into many small text chunks. See column 7, lines 55-60. The phrase recognition means as taught by Lu provides a reasonable suggestion of evaluating chunks (two or more words) and identifying punctuation contained within the text. The reference does not explicitly holding a phrase within a buffer; however, the reference makes use of specific memory blocks. The utilization of memory within the phrase recognition system of Lu provides said memory for allowing the text to reside and in turn giving the parser efficient and direct access to the chunks of text as similarly performed by a buffer.

The reference further discloses text parsed into chunks and stop words. See column 4, lines 40-67 and column 5, lines 1-15. The parser as taught by Lu locates desirable phrases within the text and provides the user an illustration of key terms within the document for efficient look-up by the computer. Lu does not explicitly disclose saving "key phrase" for use within a

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document parsing system; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized similar parsing techniques as taught by Lu for providing a means for determining break character within phrases and saving identified phrases to the memory because the phrase chunks located by the parsing means of Lu provide a similar extraction means to further enhance presentation of phrases utilizing the memory of a computer.

In reference to dependent claim 2, 5, Lu teaches:

If a given phrase occurs less than a given threshold number of times it is discarded. See column 14, lines 53-57. The reference does not explicitly state the utilization of a buffer for storing said phrase; however, the memory provides a proficient means for storing text and would have given a similar result as the phrase recognition of Lu.

In reference to dependent claim 3, 6, Lu teaches:

The enhanced text list illustrates the desired phrases retrieved from memory after the text had been parsed. See column 4, lines 65-67 and column 5, lines 1-10. The reference provides a reasonable suggestion of retrieving all occurrences of the extracted phrases from the piece of text.

In reference to independent claim 7, 9, Lu teaches:

A method, given a piece of text, partitions the text into many small text chunks. See column 7, lines 55-60. The phrase recognition means as taught by Lu provides a reasonable suggestion of evaluating chunks (two or more words) and identifying punctuation contained within the text. The reference does not explicitly holding a phrase within a buffer; however, the reference makes use of specific memory blocks and therefore, it would have preclude the author

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from utilizing said memory for allowing the text to reside within such memory and giving the parser efficient and direct access to the chunks of text.

The reference further discloses text parsed into chunks and stop words. See column 4, lines 40-67 and column 5, lines 1-15. The parser as taught by Lu locates desirable phrases within the text and provides the user an illustration of key terms within the document for efficient look-up by the computer. Lu does not explicitly disclose saving "key phrase" for use within a document parsing system; however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized similar parsing techniques as taught by Lu for providing a means for determining break character within phrases and saving identified phrases to the memory because the phrase chunks located by the parsing means of Lu provide a similar extraction means to further enhance presentation of phrases utilizing the memory of a computer.

The enhanced text list illustrates the desired phrases retrieved from memory after the text had been parsed. See column 4, lines 65-67 and column 5, lines 1-10. The reference provides a reasonable suggestion of retrieving all occurrences of the extracted phrases from the piece of text.

In reference to dependent claim 8, 10, Lu teaches:

If a given phrase occurs less than a given threshold number of times it is discarded. See column 14, lines 53-57. The reference does not explicitly state the utilization of a buffer for storing said phrase; however, the memory provides a proficient means for storing text and would have given a similar result as the phrase recognition of Lu.

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In reference to dependent claim 11, 12, the claims recite similar limitations to those of claims 1 and 7, and therefore are rejected under similar rationale.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ho et al., USPN 6,571,240 filed (2/2/00)

Anick et al., USPN 6,519,586 filed (8/6/99)

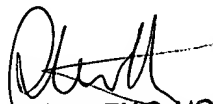
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043.

The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
February 18, 2004


STEPHEN S. HONG
PRIMARY EXAMINER